

REMARKS/ARGUMENTS

The Office Action of June 19, 2006 has been carefully reviewed and the paper is Applicant's response thereto. Claims 1-10, and 20-24 are pending. Claims 11-19 and 25-27 are withdrawn. Claims 1-6 and 20-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,519,954 to Garrett (Garrett). Claims 7, 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of U.S. Patent No. 4,058,922 to Elbe *et al.* (Elbe) and in further view of U.S. Patent No. 4,326,353 to Ludwig *et al.* (Ludwig). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of Ludwig. Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of U.S. Patent No. 4,709,496 to Johnson (Johnson).

Applicant respectfully traverses the rejection of the pending claims in view of the above amendments and the following remarks.

Rejection of the Claims under 35 U.S.C. §102

Claims 1-6 and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garrett (5519954). In response, independent claims 1 and 20 have been amended to clarify how the magazine catch operates when a tabbed magazine is inserted. The clarifications are supported at least by paragraph [50] of the specification. Amended claim 1 now recites, in part:

“a magazine catch, wherein the magazine catch is configured to rotate as the tabbed magazine is being inserted and engage a locking feature on the tabbed magazine when the tabbed magazine is fully inserted into the receiver well.”

Similarly, amended claim 20 now recites, in part:

“a magazine catch having an engaged position and a disengaged position, the magazine catch configured to rotate as the tabbed magazine is being inserted and engage a locking feature in a rib of the tabbed magazine when the tabbed magazine is fully inserted, wherein moving the magazine catch from the engaged position toward the disengaged position causes the magazine catch to disengage the locking feature so that the tabbed magazine can drop out of the receiver well.”

The manner by which the catch 63 functions is relevant because it allows for a magazine to be inserted without having to release the magazine catch by hand, thereby eliminating a step. In embodiments of the current invention, the magazine catch is released for magazine removal, but not for magazine insertion because the catch rotates (see Figs. 8a and 8b) as the magazine is inserted, and engages a locking feature of the magazine when it is fully inserted. The catch 52 of Garrett, in contrast, does not rotate as a magazine is being inserted. According to column 7, lines 52-54, "The removal or insertion of magazine 30 may be brought about by depressing either operating push button 44 or slide 62." Garrett discloses that the catch 52 is released manually for magazine insertion as well as for removal. Although it is possible to insert a magazine without releasing the catch 52, Garrett teaches that this can be done when a specific type of magazine is used having "feeding lips" that allow the catch 52 to "ride-over" magazine 30 (C. 6, L. 60-65). The insertion of a magazine without releasing the catch 52 by hand is thus not due to any feature of the magazine catch. Garrett does not disclose every limitation of amended claims 1 and 20 and therefore cannot anticipate them. Claims 2-6 and 21-23 depend on claims 1 and 20 and are not anticipated for at least the reasons that amended claims 1 and 20 are not anticipated. Consequently, the rejection is respectfully requested to be withdrawn.

Rejection of the Claims under 35 U.S.C. §103

Claims 7, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett (5519954) in view of Elbe et al (4058922) and further in view of Ludwig et al (4326353). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett (5519954) in view of Ludwig et al (4326353). Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of Johnson (4709496).

Claims 7-10 and 24 were rejected based on Garrett anticipating claims 1 and 20, in combination with the teachings of Elbe, Ludwig, and Johnson. In response, claims 1 and 20 have been amended to clarify how the magazine catch operates when a tabbed magazine is inserted, as discussed in detail above. The aspects of the invention as cited in amended claims 1 and 20 include a receiver that does not require release of the magazine catch in order to insert a magazine, in contrast to the receiver design of Garrett. Garrett does not disclose every limitation

of amended claims 1 and 20 and therefore cannot anticipate them. None of Elbe, Ludwig, or Johnson, alone or in combination, rectify the deficiencies of Garrett with respect to amended claims 1 and 20. Therefore claims 7-10 and 24 that include additional limitations cannot be rendered obvious by the teachings of the references of record. The Applicant respectfully requests reconsideration and withdrawal of the rejection.

CONCLUSION

As all objections and rejections have been addressed, Applicant respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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